

## **EXHIBIT 129**

### **Excerpts from Deposition Transcript of Richard Kahlenberg**

**Students for Fair Admissions, Inc. vs. The University of NC Chapel Hill, et al.  
Richard Kahlenberg on 07/11/2018**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
3  
4   STUDENTS FOR FAIR ADMISSIONS, )   CASE NO: 1:14-CV-954  
5   INC., )  
6                   Plaintiff, )  
7   -vs- )  
8   THE UNIVERSITY OF NORTH )  
9   CAROLINA AT CHAPEL HILL, et )  
10   al, )  
11                   Defendants. )  
12   \_\_\_\_\_ )

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14                   DEPOSITION OF RICHARD KAHLENBERG  
15                   Washington, D.C.  
16                   July 11th, 2018  
17                   9:00 a.m.

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22   REPORTED BY:   Alexandria Kaan

1 questions: The first would be: Does the alternative  
2 provide the educational benefits of diversity? And by  
3 that I mean the benefits that derive from racial  
4 diversity; economic diversity; geographic diversity  
5 primarily. So is the university still able to achieve  
6 the educational benefits of diversity? In addition  
7 there's a question of maintaining the mission of the  
8 university to -- that may include commitment to academic  
9 excellence. So a viable or workable, race-neutral  
10 alternative, would not require -- I think the Supreme  
11 Court has said in the past -- dramatic change in the  
12 academic preparedness of students. So when I think  
13 about a workable alternative, that's primarily what I  
14 think of.

15 Q. Do you use "workable" and "viable"  
16 interchangeably?

17 A. Yes.

18 Q. And "feasible"?

19 A. Yes.

20 Q. And your understanding -- your definition of  
21 workable, viable, or feasible: If racial diversity were  
22 significantly decreased and geographic and socioeconomic

1       A. Off the top of my head, I think that's right.

2       Q. And in your January report at page 58, on the  
3 topic of "Recruitment", at the second paragraph it says  
4 here: "Nevertheless, the bottom line result suggests  
5 that UNC does a poor job of recruiting socioeconomically  
6 disadvantaged applicants, many of whom are  
7 under-represented minorities."

8       A. Yes.

9       Q. "For example, UNC does an especially poor job  
10 recruiting applicants whose parents do not have a  
11 college degree." I just want to make sure I understand  
12 the entire basis for your statement. So what is your  
13 statement based upon in terms of deciding UNC does a  
14 poor job at recruitment?

15       A. So it's based on a number of things. But as one  
16 data point, it's the disparity in the number of adults  
17 who lack a four-year degree in the North Carolina  
18 population and the percentage who apply to UNC. So I'm  
19 not suggesting they need to be exactly the same, but if,  
20 for example, there were 72 percent of students in North  
21 Carolina were African-American and 21.8 percent of  
22 applicants were African-American, to me that would raise

1 a red flag that more could be done to recruit such  
2 students. As I say, this isn't dispositive but it's a  
3 red flag to suggest more could be done.

4 Q. And with regard to the topic of increasing  
5 community college transfers, what exactly would your  
6 proposal be for how UNC would go about doing this?

7 A. Well, we did not run a simulation on precisely  
8 what could be done. But in broad terms, University of  
9 North Carolina has the C step program working with, I  
10 believe, 10 community colleges in the state, that UNC  
11 itself regards as a successful way of recruiting  
12 disadvantaged and under-represented minority students on  
13 to campus. There are a much larger number of community  
14 colleges in North Carolina than are participating in the  
15 C step program. So one step would be to expand that  
16 program to a larger number of community colleges.

17 Q. Would you expect that Carolina would maintain the  
18 same size freshman class and increase number of  
19 transfers? Or would they shrink the freshman class and  
20 balance it out by taking in more transfers later?

21 A. That's something UNC would want to judge. I  
22 mean, what are the equities here? What makes more sense

1 Q. Yes. Page 37.

2 A. 37, okay. So in my opening report and then  
3 subsequent reports, I reference the idea that a number  
4 of university officials, or universities, have partnered  
5 with particular disadvantaged high schools to increase  
6 the pipeline of students who would be -- could succeed  
7 at their institution. And so the type of programs are  
8 ones in which university students may volunteer at high  
9 schools, and help mentor particular individuals; where  
10 professors might work with the teachers to help develop  
11 a powerful curriculum. So the concept is that the  
12 university is in essence adopting a particular set of  
13 high schools that they will work closely with and try to  
14 raise the academic achievement in those schools; schools  
15 that are targeted because they are high-minority,  
16 high-poverty schools. And therefore those students from  
17 those high schools would be in a good position to  
18 compete on the merits to get into those institutions.  
19 And in my earlier reports I reference some specific  
20 examples of colleges that have done that. And Professor  
21 Hawksby took this in a very different direction, and  
22 didn't discuss the likely impact of that type of a

1 program, and instead took the word "partnership" to mean  
2 we're going to admit students from these underprivileged  
3 high schools, which is an interesting approach to  
4 consider but it's in essence one third of the  
5 socioeconomic preference that I described in the earlier  
6 reports. That is: You want to look at family  
7 socioeconomic status, neighborhood socioeconomic status,  
8 and school socioeconomic status. And she's doing a  
9 third in her simulations; looking at socioeconomic  
10 status of schools, but ignoring the pool of applicants  
11 who might be low-income and high-achieving but attend a  
12 middle-class school; or are high-achieving and  
13 low-income and live in a middle-class neighborhood. And  
14 those are -- Oh, I'm sorry. They're students who might  
15 be disadvantaged because they live in a low-income  
16 neighborhood, but don't attend the high-poverty school.  
17 And so to my mind that whole exercise unnecessarily  
18 cordons off one third of what we care about and ignores  
19 the other two thirds. So I wasn't surprised when those  
20 sets of simulations didn't result in a lot of favorable  
21 outcomes, because it was very different than the types  
22 of partnerships with disadvantaged high schools that

1 some options, and then I would make the final call.

2 Q. And do you remember discussing those options with  
3 regard to that particular decision as you sit here now?

4 A. I don't.

5 Q. And you've mentioned a number of times that there  
6 are three sort of different aspects of diversity that  
7 add to the educational benefits of diversity: Racial  
8 diversity, socioeconomic diversity, and geographic  
9 diversity. Correct?

10 A. That's correct.

11 Q. Do you agree with me that each of them provide a  
12 distinct benefit to the educational mission?

13 A. Yes. I would say they each offer something  
14 distinctive.

15 Q. Then, with regard to Professor Hawksby's  
16 treatment of race-neutral alternatives, in your opinion  
17 is there a race-neutral alternative that Professor  
18 Hawksby should have evaluated, but did not, as of the  
19 June report?

20 MR. STRAWBRIDGE: Object to the form of the  
21 question.

22 A. Well, I certainly have lots of objections to the



1 ways on which she performed her analysis. I think  
2 between the two sets of simulations -- those that  
3 Professor Arcidiacono and I conducted and those that  
4 Professor Hawksby conducted -- we did a good job of  
5 covering the waterfront of possible alternatives.

6 MR. FITZGERALD: I think we may be done. I  
7 just have to remember to designate this as confidential.

8 MR. STRAWBRIDGE: No questions from the  
9 intervenors.

10 MS. ARANDES: No questions from the  
11 Intervenor.

12 MR. STRAWBRIDGE: Give us one second.

13 (Whereupon the proceedings go off the record.)

14 MR. STRAWBRIDGE: So we have no questions,  
15 although we do want to read and sign. That's it.

16 (Whereupon the proceedings go off the record.)

17 COURT REPORTER: Mr. Strawbridge, do you  
18 need a copy of the transcript?

19 MR. STRAWBRIDGE: Yes.

20 COURT REPORTER: I know you want to order  
21 the transcript as well?

22 MS. FLATH: Etrans, for sure.